

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ERIC ATANASOFF, Derivatively on Behalf of
CLEANSPARK, INC.,

Plaintiff,

Case No.: 2:23-cv-00358-ART-BNW

(Removal from District Court, Clark County, Nevada, Case No. A-23-866492-C)

ZACHARY K. BRADFORD, S. MATTHEW SCHULTZ, ROGER P. BEYNON, LARRY MCNEILL, and THOMAS L. WOOD,

Defendants,

ORDER APPROVING

**JOINT STIPULATION EXTENDING
TIME TO REPLY TO OPPOSITION TO
MOTION TO CONSOLIDATE**

CLEANSPARK, INC., a Nevada Corporation,
Nominal Defendant.

Plaintiff Eric Atanasoff (“Plaintiff”), derivatively on behalf of Nominal Plaintiff CleanSpark, Inc. (“CleanSpark”) and Defendants Zachary K. Bradford, S. Matthew Schultz, Larry McNeill, Thomas L. Wood, Roger P. Beynon (the “Individual Defendants”), and Nominal Defendant CleanSpark (together with the Individual Defendants, “Defendants”) (collectively, with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby enter into the following joint stipulation and proposed order:

WHEREAS, on March 1, 2023, Plaintiff filed a shareholder derivative complaint (the “Complaint”) on behalf of Nominal Plaintiff CleanSpark in the Eighth Judicial District Court of

1 the State of Nevada in and for Clark County (the “State Court”), captioned *Atanasoff v.*
2 *Bradford, et al.*, Case No. A-23-866492-C (this “Action”); and

3 **WHEREAS**, on March 7, 2023, the Defendant S. Matthew Schultz filed a Petition for
4 Removal (ECF No. 1) and Notice of Removal, removing this Action from State Court to the
5 United States District Court for the District of Nevada; and

6 **WHEREAS**, on March 24, 2023, the Individual Defendants filed a Motion to
7 Consolidate, asking the Court to consolidate this Action into the consolidated shareholder
8 derivative action pending in the United States District Court for the District of Nevada, *In re*
9 *CleanSpark, Inc. Derivative Litigation*, Case No. 2:21-cv-01181-GMN-BNW (the “Motion to
10 Consolidate”) (ECF No. 10); and

11 **WHEREAS**, on April 4, 2023, Plaintiff filed the Motion to Remand and for Attorney’s
12 Fees and Costs, which has been noticed for consideration by the Court in the normal course (the
13 “Motion to Remand”); and

14 **WHEREAS**, on April 7, 2023, Plaintiff filed the Opposition to Defendants’ Motion to
15 Consolidate (“Opposition”);

16 **WHEREAS**, to ensure judicial and party economy, the Parties agree to extend the
17 deadline for Defendants to reply to the Opposition until on or before April 24, 2023.

18 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by the
19 Parties hereto, through their undersigned counsel, subject to the approval of the Court, as
20 follows:

21 1. Defendants’ deadline to reply to the Opposition is extended until on or before
22 April 24, 2023.

23 2. Other than as agreed herein, the Parties reserve all rights.

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1 DATED: April 13, 2023

2 **FOX ROTHSCHILD LLP**

3 /s/ Colleen E. McCarty

4 MARK J. CONNOT (10010)
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Counsel for Defendants

DATED: April 13, 2023

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/s/John P. Aldrich

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Counsel for Plaintiff Travis France

15 **IT IS SO ORDERED.**



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17 Anne R. Traum
18 United States District Court Judge
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DATED: April 17, 2023